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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,707	01/24/2002	Teruhiko Kamigata	1614.1210	7916
21171	7590	11/13/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER DONAGHUE, LARRY D	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 11/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/053,707

Applicant(s)

KAMIGATA ET AL.

Examiner

Larry D. Donaghue

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-13 are presented for examination.
2. The following rejection is maintained.
3. Claim 13 is rejected under 35 U.S.C. 102(a) as being anticipated by Miyake et al. (EP 1,089,168). Miyake et al. taught arranging, via computer, variable-length instructions to be executed in an order in a logical instruction slot; and verifying an arrangement of the variable-length instructions (para. 67-69, figure 9).

In response to applicant argument of the rejection of 13, applicant fails to set forth the difference, merely alleges that the teaching of Miyake et al. is not the claimed invention.

4. New grounds of rejection.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-13 rejected under 35 U.S.C. 102(a) as being anticipated by Applicant admission of prior art, (AAPA) pages 1-11 and figures 1-9.

AAPA taught the invention as claimed including identifying a classification of a functional unit which can execute a basic instruction ; determining whether said basic instruction can be assigned to a logical instruction slot through checking a relationship between said classification of said functional unit and said logical instruction slot (page 10, lines 6-23) : and assigning, to an instruction slot, said basic instruction determined to be assignable to said logical instruction slot (page 8, lines 30).

As to claim 2, AAPA taught that identifying is divided into identifying an instruction category of a basic instruction, and identifying a classification of a functional unit which can execute said instruction category (page 7, lines 6-36) .

As to claim 3, AAPA taught that further comprising prior to said assigning, checking a relationship between said basic instruction that can be assigned to said logical instruction slot and other basic instructions to be assigned to other logical instruction slots (Page 8, lines 31-37).

As to claim 4, AAPA taught that prior to said assigning, for checking a relationship between said basic instruction that can be assigned to said logical instruction slot and other basic instructions to be assigned to other logical instruction slots (Page 8, lines 31-37).

As to claim 5, AAPA taught that identifying said logical instruction slot having a lowest numeral determined to be assignable (see figure 3 note time 2 and 3, clearly showing the basic instruction are placed in the slot having the lowest numeral).

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As to claim 6, AAPA taught that assigning includes identifying said logical instruction slot having a lowest numeral determined to be assignable (see figure 3, note time 2 and 3, clearly showing the basic instruction are placed in the slot having the lowest numeral).

As to claim 7, AAPA taught that identifying, determining, checking and assigning are repeated for all instruction slots (page 9, lines 1-12).

As to claim 8, AAPA taught that identifying, determining, checking and assigning are repeated for all instruction slots (page 9, lines 1-12).

Claims 9-12 are rejected for the same rational as claims 1-8, above.

7. Applicant's arguments filed 04/19/2007 have been fully considered but they are not persuasive.

The applicant argues "The Examiner stated that Miyake discloses arranging variable-length instructions to be executed in an order in a logical instruction slot, and verifying an arrangement of the variable-length instructions, citing paragraphs [0067]-[0069] and Figure 9 of Miyake. However, the Applicants respectfully submit that Miyake discloses rearranging instruction word formats, through a conversion unit, into word formats which correspond to the instruction execution units. The Applicants respectfully submit that this does not anticipate the logical instruction slot recited in claim 13 of the present application, nor the verification of the arrangement produced in the logical instruction slot. Thus, the Applicants *respectfully* submit that claim 13 of the present application patentably distinguishes over Miyake. "

8. Again applicant Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Further it should be noted that applicant is claiming a method not an apparatus.

The applicant argues "The Examiner alleged that DRA discloses determining whether said basic instruction can be assigned to a logical instruction slot through checking a relationship between said classification of said functional unit and said logical instruction slot, and assigning, to an instruction slot, said basic instruction determined to be assigned to said logical instruction slot. The Applicants respectfully submit that DRA describes determining whether the basic instruction can be assigned to an

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instruction assignment table and assigning, to an instruction slot, the basic instruction determined to be assignable to the instruction assignment table. However, in direct contrast to claim 1 of the present application, DRA does not disclose or suggest "assigning, to a physical instruction slot, said basic instruction determined to be assignable to said logical instruction slot based on a relation between said basic instruction determined to be assignable and another basic instruction assigned to a corresponding logical instruction slot." Therefore, for at least the reasons presented above, the Applicants respectfully submit that claim 1 patentably distinguishes over DRA. "

The examiner disagrees as the this is expressly taught page 8, lines 20-35.

Neither the arranging in I, he logical instruction slot nor the verification of the arrangement, as recited in claim 13, is disclosed or suggested by DP, A. Further, the Examiner has apparently not attempted to cite at least this verification process in DRA. Therefore, it is respectfully submitted that claim 13 also patentably distinguishes over DRA.

The examiner disagrees as the this is expressly taught page 8, lines 20-35.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

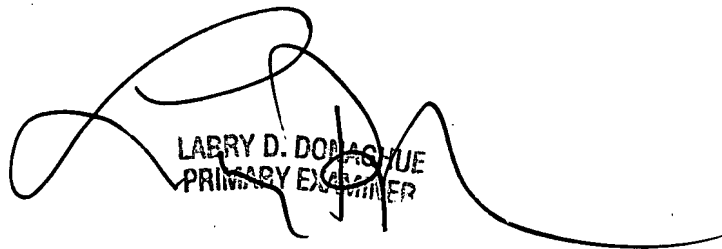
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LARRY D. DONAGHUE
PRIMARY EXAMINER